



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 120

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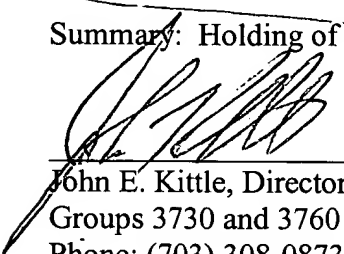
In re Application of	:	DECISION ON PETITION
James M. Zavislan	:	TO WITHDRAW
Serial No. : 09/579,599	:	HOLDING OF
Filed : May 26, 2000	:	ABANDONMENT
For : Microscopic Imaging Apparatus and Method	:	

This is a decision on petitioner's request filed, via facsimile transmission, August 4, 2003, to review the holding of abandonment mailed April 23, 2003 for failure to respond to the Office action mailed July 2, 2002. It is noted that the copy of the request is dated April 29, 2003. However, there are no indications that it was mailed to the Office on that day or received by the Office on or about that date. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response that included a Terminal Disclaimer and a request for a three-month extension of time, and a copy of a PTO stamped receipt dated December 30, 2002.

In view of the above, the Notice of Abandonment mailed April 23, 2003, is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed December 30, 2002. It is also noted that with the request, a fifth supplemental Information Disclosure Statement (IDS) and a Request for Continued Prosecution (RCE) were filed. The IDS and RCE will likewise be recorded and treated by the Legal Instruments Examiner and/or the Examiner.

Summary: Holding of Abandonment Withdrawn.


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ak/09/26/03